

Design and Construction Requirements as required under Hawaii Revised Statutes 103-50

What types of buildings, facilities, or sites are covered by Hawaii Revised Statutes (HRS) 103-50?

The HRS 103-50 states that all plans and specifications for the construction of public buildings, facilities, or sites by the State or any county shall be prepared so that the buildings, facilities, or sites are accessible to and usable by persons with disabilities.

"Public buildings, facilities, and sites" means buildings, facilities and sites that 1) are designed, constructed, purchased or leased with the use of any State or county funds; 2) house State or county programs, services, or activities that are intended to be accessed by the general public; or 3) are constructed on State or county lands to be transferred to the State or a county.

Are there specific design standards?

The HRS 103-50 states that the design standards to ensure that all buildings, facilities, or sites required to be accessible shall conform to the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and the Federal Fair Housing Act Guidelines (FFHAG).

In addition, the Disability and Communication Access Board has the authority to adopt design guidelines for items not covered in the ADAAG in order to provide greater access for persons with disabilities.

Is there a review process for HRS 103-50 projects?

The HRS 103-50 states that all agencies of the State and counties shall seek the "advice and recommendations" from the Disability and Communication Access Board on all plans and specifications to ensure conformance with the ADAAG and FFHAG, as well as any supplemental design guidelines established by the Disability and Communication Access Board.¹

The Disability and Communication Access Board provides technical assistance in the form of review and recommendations on design documents from conceptual and schematic stages through final construction plans.¹ A written document review is provided on the plans in their final stage of preparation. The Disability and Communication Access Board transmits its advice and recommendations to the agency overseeing the project or the design consultant that originated the submittal. The ultimate decision on any project is made between the oversight agency's project manager and the design or construction personnel. The administrative rules governing the procedures are covered in Hawaii Administrative Rules Chapter 11-216.

The Board's technical assistance includes conducting training sessions for design professionals, building inspectors, and project managers; providing information on products and laws; answering telephone or faxed questions on accessibility guidelines; and conducting site surveys.¹

Who enforces the design requirements of HRS 103-50?

Assurances that a building, facility, or site is constructed in accordance with the appropriate design standards rests with the government agency or agencies which oversee the funding of the project.

Is there a process to obtain a "variance" or "waiver" from the requirements of HRS 103-50?

The Disability and Communication Access Board is authorized to approve a site specific design alternative, not a variance, if the alternative design provides equal or greater access for persons with disabilities. Waivers are not permitted. An application process, followed by a public hearing, will precede the decision on this request. The administrative rules governing the procedures for site specific design alternatives are contained in Hawaii Administrative Rules Chapter 11-217.2

Does the law replace existing local building codes?

The requirements of HRS 103-50 do not supplant or replace State or local laws that impose higher accessibility standards. The governing principal to follow when local codes differ is that the more stringent requirements apply.

DISABILITY AND COMMUNICATION ACCESS BOARD

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1 This function was formerly the responsibility of the Commission on Persons with Disabilities. Act 282-99 dissolved the Commission on Persons with Disabilities effective December 31, 1999 and transferred it to the Disability and Communication Access Board effective January 1, 2000.

2 This function was formerly the responsibility of the Architectural Access Committee. Act 282-99 dissolved the Architectural Access Committee effective December 31, 1999 and transferred it to the Disability and Communication Access Board effective January 1, 2000.